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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS ANDRADE

Defendant.

) NO. CR 20-00249 RS-1

) **[PROPOSED] STIPULATED SCHEDULING**
) **ORDER**

) Dept.: Courtroom 3 – 17th Floor

) Judge: Hon. Richard Seeborg

) Trial Date: February 10, 2025

) Pretrial Conf.: January 22, 2025

The government and defense counsel have met and conferred regarding a proposed pretrial schedule and agree to the schedule below.

1. On or before December 27, 2024, the defendant shall file any motion to exclude evidence under Fed. R. Evid 404(b). By no later than January 10, 2025, the government shall file any opposition

1 to the motion to exclude evidence under Fed. R. Evid. 404(b). The defendant may file a reply no later
2 than January 15, 2025.

3 2. On or before December 23, 2024, the government shall serve a summary pursuant to Rule
4 16 of the Federal Rules of Criminal Procedure for each expert witness that they intend to call at trial in
5 their case-in-chief. On or before January 8, 2025, the defendant shall file any *Daubert* motions to
6 exclude expert testimony. The government may file any opposition to *Daubert* motions on or before
7 January 17, 2025. On or before January 21, 2025, the defendant may file replies to any *Daubert*
8 motions.

9 3. The parties have not agreed on defendant's expert disclosure deadline per Rule 16 for
10 defendant's expert; however the parties have already exchanged the names of experts disclosed after
11 defendant gave notice of a mental condition defense pursuant to Federal Rule of Evidence 12.2(b). The
12 parties stipulate that defendant may file a short motion, of less than three pages (not including the
13 caption), outlining his proposal for expert disclosure, including a proposed schedule for any *Daubert*
14 motions the government may choose to file, by December 23, 2024. The government's opposition will
15 be due on December 27, 2024, and the defendant may reply by December 31, 2024.

16 4. On or before January 8, 2025, the government shall serve draft proposed jury
17 instructions, and on or before January 10, 2025, the defendant shall serve drafts of any proposed jury
18 instructions that do not reflect instructions that appear in the Ninth Circuit's Model Criminal Jury
19 Instructions, except as to any instructions that may disclose or reflect the theory of defense, which may
20 be submitted at the close of the government's case. On or before January 13, 2025, the parties shall
21 exchange objections to proposed jury instructions.

22 5. On or before January 10, 2025, the government shall file a summary of any statement the
23 government intends to offer under Fed. R. Evid. 801(d)(2)(E) in sufficient detail that the Court may rule
24 on the admissibility of any statement. The defendant may file an objection to the government's filing no
25 later than January 17, 2025.

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6. On or before January 10, 2025, the parties shall file any motions *in limine*. On or before January 15, 2025, the parties may file oppositions to any motions *in limine*. The parties may file replies no later than January 20, 2025. This schedule will not preclude additional motions *in limine* or other evidentiary issues from being raised regarding any disclosures served after January 10, 2025.

7. On or before January 15, 2025, the government shall file a witness list and an exhibit list. The parties have not agreed on when the defendant should disclose his witness and exhibits lists. The parties agree that the defendant will file a short motion for a pretrial defense witness and exhibit list disclosure order no later than January 3, 2025. The government will file an opposition no later than January 10, 2025, and the defendant may file a reply by January 15, 2025.

8. On or before January 17, 2025, the parties shall file:

- i) Joint Pretrial Conference Statement pursuant to Crim. L.R. 17.1;
- ii) Proposed jury questionnaires;
- iii) Proposed jury voir dire questions;
- iv) Jointly Proposed jury instructions. For any instance in which the parties do not agree on a jury instruction, the objecting party shall submit a written objection or an alternative proposed instruction placed in sequence immediately following disputed instruction.
- v) Proposed verdict forms;
- vi) Agreed-upon stipulations.

9. On January 22, 2025, the Court shall hold a pretrial conference.

10. On or before February 3, 2025, the parties shall file any trial briefs.

11. On February 10, 2025, trial shall commence, the Court's schedule permitting.

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Respectfully submitted,

ISMAIL J. RAMSEY
United States Attorney

/s/
CHRISTIAAN HIGHSMITH
DAVID WARD
Assistant United States Attorneys

MATTHEW CHOU
Special Assistant United States Attorney

DATED: December 20, 2024

By: /s/
MICHAEL J. SHEPARD
KERRIE C. DENT
CINDY A. DIAMOND
Attorneys for Defendant ANDRADE

THE FOREGOING STIPULATION IS APPROVED AND SO ORDERED.

Dated: _____

HONORABLE RICHARD SEEBORG
United States Chief District Judge